

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNY M. BROWN,
Petitioner,

v.

JOSIE GASTELO, Warden,
Respondent.

Case No. [17-cv-01409-YGR](#) (PR)

**ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS* ON
APPEAL; DIRECTIONS TO CLERK**

This closed federal habeas action was filed by a *pro se* state prisoner. Petitioner had filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 9, 2019, the Court granted Respondent's motion to dismiss the petition as untimely, dismissed this action with prejudice, and denied a certificate of appealability. Dkt. 77.

Petitioner has since filed a notice of appeal from the Court's December 9, 2019 Order. Dkt. 79. Petitioner has also requested to proceed *in forma pauperis* on appeal. Dkt. 82.

In its December 9, 2019 Order, the Court declined to issue a certificate of appealability and determined there were no valid grounds for an appeal. Consequently, Petitioner fails to show good cause to proceed *in forma pauperis* on appeal.


Accordingly, the motion to proceed *in forma pauperis* on appeal is hereby DENIED. Dkt. 82.

The Clerk of the Court shall send a copy of this Order to Petitioner and to the Ninth Circuit Court of Appeals, wherein Petitioner may renew his motion. *See* Fed. R. App. P. 24(a).

This Order terminates Docket No. 82.

IT IS SO ORDERED.

Dated: March 24, 2020


YVONNE GONZALEZ ROGERS
United States District Judge